

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Arthur Hillman,)
)
Plaintiff,) Case No. 1:10-CV-201
)
vs.)
)
United States of America,)
)
)
Defendant.)

O R D E R

This matter is before the Court on the motion to dismiss filed by the United States of America (Doc. No. 15), Magistrate Judge Bowman's Report and Recommendation of January 11, 2001 (Doc. No. 30) recommending that Defendant's motion to dismiss be granted, and Plaintiff Arthur Hillman's objections to the Report and Recommendation (Doc. No. 33). For the reasons that follow, Plaintiff's objections to the Report and Recommendation are not well-taken and are **OVERRULED**; the Court **ADOPTS** the Report and Recommendation; Defendant's motion to dismiss is well-taken and is **GRANTED**. All other pending motions (Doc. Nos. 3, 19, 22, 23, 28 and 29) are **MOOT**.

Plaintiff is a federal prisoner serving a 126 month sentence for possession with intent to distribute marijuana. He has filed suit against the government to set aside the statutory lien that arose on his real and personal property as a result of the criminal fine imposed by the Court. The government moved to

dismiss the complaint on the grounds, inter alia, that it is an impermissible collateral attack on his criminal conviction. The government also characterized the complaint as frivolous and requested the Court to preemptively bar Plaintiff from filing further frivolous pleadings.

In a thorough Report and Recommendation, Magistrate Judge Bowman concluded that the complaint is frivolous and recommended that it be dismissed with prejudice. Judge Bowman, however, stopped short of recommending imposing any pre-filing restrictions on Plaintiff. The government has not objected to that aspect of the Report and Recommendation. Plaintiff filed objections to the Report and Recommendation but they frankly are no more comprehensible than the rest of his pleadings. Plaintiff's objections are in fact frivolous on their face.

Having reviewed this matter de novo pursuant to Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge that Plaintiff's complaint is frivolous and must be dismissed with prejudice. Recapitulating Judge Bowman's analysis would simply be a waste of time, effort, and judicial resources.

Plaintiff's objections to the Report and Recommendation are **OVERRULED**. The Court **ADOPTS** the Report and Recommendation. The government's motion to dismiss is well-taken and is **GRANTED**. The complaint is **DISMISSED WITH PREJUDICE**. The remaining motions Doc. Nos. 3, 19, 22, 23, 28 and 29) are **MOOT** but are frivolous as

well. **THIS CASE IS CLOSED.**

The Court certifies pursuant to 28 U.S.C.A. § 1915(a)(3) that an appeal of this order would not be taken in good faith, and therefore **DENIES** Plaintiff leave to appeal in forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED

Date March 1, 2011

s/Sandra S. Beckwith

Sandra S. Beckwith
Senior United States District Judge